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Summary record of the 200th meeting
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Chair: Mr. Corcuera Cabezut

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties to the Convention (*continued*)

Initial report of Cuba (*continued*) (CED/C/CUB/1; CED/C/CUB/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Cuba took places at the Committee table.*

2. **Mr. Figallo Rivadeneyra** (Country Rapporteur) said that it was his understanding that, although Cuban law did not appear to expressly guarantee the principle of non-refoulement in all cases of extradition, detention and surrender when there was a risk of the person concerned being subjected to enforced disappearance, the State party in fact had the discretion to apply that principle. He asked whether Cuban law explicitly provided for such guarantee and, if so, which authority was responsible for determining whether persons who were subject to one of the aforementioned measures were at risk of enforced disappearance in another State; what criteria were used to make that determination; and whether the related procedure was administrative or judicial in nature.

3. It would also be useful to know on what grounds a person could be arrested and placed in police custody; whether the mere fact of suspecting a person of having committed a criminal offence was sufficient to justify their arrest; whether police custody was generally seen as a substitute for administrative detention; and how offences committed against persons in police custody were dealt with. He asked why police officers had a period of 72 hours in which to impose precautionary measures when, under normal circumstances, police custody could not exceed 24 hours, and why it fell to police officers, and not to the prosecutor, to impose such measures. He enquired as to the exact duration of police custody and as to the circumstances in which a person might be held in police custody for more than 24 hours without precautionary measures being imposed.

4. While taking note of the information provided by the State party on the general training dispensed to law enforcement officers and members of the judiciary, he would like to know whether all public servants received training on human rights in general and on the Convention in particular; whether aspiring professional judges were examined on international human rights law as part of their competitive examination; and whether there were plans to provide lay judges with training on that subject.

5. Regrettably, the existing procedure for awarding compensation for harm or damage arising from unlawful conduct or acts did not appear to meet the requirements in terms of reparation for victims of enforced disappearance set out in article 24 of the Convention. He asked how the State party intended to remedy that shortcoming.

6. **Mr. López Ortega** (Country Rapporteur) said that it was his understanding that persons in police custody were brought before a judge when the investigative process had been concluded and charges had been brought against them. He would appreciate clarification on whether, prior to being brought before a judge, such persons were the responsibility of the prosecutor, who was authorized to order pretrial detention, if necessary. He asked whether the State party considered the public prosecution service, which was an accusatorial body, to be the most appropriate authority to order pretrial detention; whether it considered the police to be the most appropriate authority to impose precautionary measures; how long a person could be deprived of his or her liberty without being brought before a judge; and whether the judicial authorities were empowered to verify the lawfulness of the investigative process and deprivation of liberty.

7. He would like to know whether it was indeed the case that persons in police custody had no access to a lawyer from the time of their arrest until the moment when precautionary measures were imposed and whether there was a set period during which they could be assisted by a lawyer.

8. It would be helpful to know at what stage and by what means a detainee's family was informed of his or her arrest and whereabouts; whether family members were routinely informed of a detainee's transfer to another place of detention; whether there were circumstances in which authorities could delay sharing the aforementioned information with family members; whether there were protocols in place in all police stations and places

of detention to ensure procedural consistency; whether consular authorities were routinely informed when a detainee was a foreign national; and how often family members could communicate with or visit a detained relative.

9. The Committee was concerned that the information contained in the registers of persons deprived of their liberty did not appear to correspond exactly to the requirements set out in article 17 (3) of the Convention. He asked whether the State party planned to modify the content of its registers to ensure compliance with that article; whether registers were kept in all places where persons deprived of their liberty could be held; and whether the intentional failure to register a person deprived of his or her liberty constituted a criminal offence and, if not, whether there were plans to criminalize that act as part of the reform of the Criminal Code.

10. While Cuban criminal law defined offences related to the substitution of one child for another and trafficking in children, it did not cover all the offences defined in article 25 (1) of the Convention apparently because no such cases had ever been recorded in the State party. He asked whether the State party had considered incorporating all the offences defined in that article into its criminal legislation as part of the reform of the Criminal Code and whether there was a specific procedure for annulling unlawful adoptions, particularly those that had originated in an enforced disappearance.

11. **Mr. Al-Obaidi**, referring to paragraph 242 of the State party's periodic report (CED/C/CUB/1), asked whether there was a specific law establishing the mandate of the Ethics Committee and what measures were in place to prevent genetic material collected or transmitted as part of the search for a disappeared person from being used or made available for other purposes.

12. **Mr. Yakushiji**, noting that the Ministry of Justice ordered an expulsion only when a final ruling had been handed down, unlike in the case of a return, which could be ordered without a final ruling having been issued or even without proceedings having been initiated against the defendant, said that he would appreciate an explanation of the difference between an expulsion and a return in Cuban law and would like to know at what stage a person who was subject to return could invoke the principle of non-refoulement. It would also be helpful to receive statistical information on the number of appeals lodged against expulsion or return orders and the number of court orders provisionally suspending decisions taken by migration authorities following the entry into force of the Convention for Cuba. The delegation should also mention any cases in which the principle of non-refoulement had been invoked on the grounds that the expelled or returned person could be subject to enforced disappearance, torture or other similar ill-treatment.

13. **Ms. Janina** asked whether the State party sought and accepted diplomatic assurances that a person who was subject to extradition would not fall victim to enforced disappearance or torture upon arrival in another State when such concerns existed. She also wished to know more about the programmes in place to support women who found themselves in a precarious situation following the enforced disappearance of a spouse or other male breadwinner and about any other assistance that they received during the absence of the person in question.

The meeting was suspended at 10.30 a.m. and resumed at 10.50 a.m.

14. **Mr. Bodes Torres** (Cuba) said that the Criminal Code provided that foreign nationals who were being persecuted for having defended democratic principles or the rights of working people or for having fought for a just cause were not to be extradited. That provision was also borne in mind when determining whether individuals who were subject to extradition, expulsion or return might fall victim to enforced disappearance in another State; if such a risk was found to exist, the extradition, expulsion or return was not carried out.

15. Cuba had concluded a number of extradition treaties which gave the requested State the power to refuse an extradition request if there were substantial grounds for believing that the request had been submitted for the purpose of persecuting or punishing an individual on the grounds of his or her race, religion, nationality or political beliefs. Those treaties also empowered the requested State to call upon the requesting State to submit any

documentation that could assist it in deciding whether or not to grant the extradition. The Ministry of Justice was responsible for collating all documentation submitted and preparing a case file on the basis of which the aforementioned decision was made.

16. Case files were likewise prepared for individuals who were subject to expulsion, return or transfer. Before authorizing an extradition, expulsion, return or transfer, the competent authorities reviewed the individual's history, any allegations that he or she had made, the potential risks that he or she would face if one of the aforementioned measures were imposed and the human rights situation in his or her country of origin; as applicable, it also verified that the crime for which the individual had been sentenced in Cuba existed in his or her country of origin. A transfer, which entailed sending an individual to serve the remainder of his or her sentence back in his or her country of origin, could take place only if the individual gave his or her express consent; such consent was not required in cases of extradition, expulsion or return.

17. The Cuban courts could order the expulsion of a convicted foreign national as subsidiary punishment after the main sentence had been served. Under a procedure known as administrative expulsion, the Ministry of Justice could exceptionally order the expulsion of a convicted foreign national before the main sentence had been served. All decisions to grant an extradition, expulsion, return or transfer could be appealed before the courts. Once the appeals process had been exhausted, it was also possible to request a judicial review of the decision as a last resort.

18. The Directorate of Immigration and Status of Foreigners allowed persons whose application for refugee status was being considered by the Office of the United Nations High Commissioner for Refugees (UNHCR) to remain in the country for a period of 90 days from the time of entry; that period could be extended, if necessary, to give UNHCR more time to determine the person's status. Persons who were not granted refugee status by UNHCR were sent back to the country from which they had travelled to Cuba, unless there was good reason to believe that they would face persecution or that their life would be in danger. Such precautions helped reduced the risk of those persons falling victim to enforced disappearance.

19. The majority of the extradition treaties concluded by Cuba provided that extradition was inadmissible if the offence committed by the individual in question carried the death penalty in the requesting State. However, Cuba would consider granting such extradition requests if it received sufficient assurances that capital punishment would not be applied.

20. Since 2013, a total of 8 extraditions had taken place: 2 in 2013, 5 in 2014 and 1 in 2016. Over the same period, a total of 18 expulsions had been carried out: 3 in 2013, 7 in 2014, 6 in 2015 and 2 in 2017. As to transfers, 35 had taken place in 2013, 18 in 2014, 31 in 2015, 25 in 2016 and 1 in 2017.

21. **Mr. Quintanilla Román** (Cuba) said that, if a foreign national who was to be transferred to his or her country of origin to serve the remainder of a sentence imposed by the Cuban courts claimed that he or she could suffer human rights violations or that his or her life would be at risk or refused to give his or her consent, the transfer did not take place. The Foreign Nationals Act provided for the return of foreign nationals who were in an irregular migration situation to the country from which they had travelled to Cuba or to their country of origin, unless there were substantial grounds for believing that they would face persecution or that their life would be in danger. Cuba strictly adhered to the principle of non-refoulement and did not return foreign nationals in such cases.

22. Between 2013 and 2016, a total of 83 persons had been granted extensions of the initial 90-day period of stay while UNHCR continued to assess their refugee status.

23. It was important to note that the aforementioned extraditions, expulsions and transfers were not related to the commission of any of the offences prohibited by the Convention. If, after having reviewed the information available, the competent authorities judged there to be insufficient guarantees for the safety of the persons subject to extradition, expulsion, return or transfer, those measures were not imposed.

24. There were both undergraduate and postgraduate courses that included a module on international human rights law, and specific training on that subject was provided to

medical personnel, members of the judiciary, persons working with detainees and law enforcement officials. Professional judges were indeed examined on international human rights law as part of their competitive examination.

25. **Mr. Escandón Carro** (Cuba) said that, according to the Criminal Procedure Act, the police were under an obligation to arrest a person who had attempted to commit a criminal offence; had been caught in flagrante delicto; had violated the imprisonment or pretrial security measure imposed on him or her by fleeing; was accused of having committed an offence against State security; was accused of having committed an offence for which the penalty exceeded 6 years' imprisonment; was accused of having committed an offence that had caused alarm; or when there was good reason to believe that he or she would try to evade justice.

26. The Office of the Attorney General, the Directorate of Criminal Investigation and Operations and the National Revolutionary Police were all empowered to order the arrest of a person accused of having committed a criminal offence. In principle, the duration of police custody could not exceed 24 hours. If the police intended to keep the accused person in custody beyond that time limit, they were obliged to bring him or her before a judge. However, neither the police nor the judge was authorized to place the person in question in pretrial detention, as that could only be ordered by the prosecutor and depended on the seriousness of the offence. The majority of precautionary measures were imposed between 24 and 72 hours following the person's arrest; an additional 72 hours could be granted for seeking the prosecutor's approval for pretrial detention. Moreover, under the Criminal Procedure Act, the prosecutor was authorized to revise any of the precautionary measures imposed by the police, the Directorate of Criminal Investigation and Operations or the judge.

27. As a general rule, there needed to be preliminary evidence to suggest that a person had participated in the commission of a criminal offence before the competent authorities could order his or her arrest. Therefore, merely suspecting a person of having committed a criminal office was not sufficient to warrant his or her arrest and it was not customary to deprive persons of their liberty for investigative purposes.

28. Although judges were not directly involved in the investigative process, they were empowered, under the Criminal Procedure Act, to return the case file to the prosecutor if they observed that procedural formalities had not been respected during the investigation phase or that insufficient action had been taken either to determine the responsibility of the presumed perpetrator or to clarify the facts of the case. The prosecutor was then required to take steps to remedy the shortcomings observed by the judge. In addition, the People's Courts Act required judges to notify the Attorney General of any offences that came to their attention during the processing or consideration of judicial acts and trials.

29. The Office of the Attorney General had issued a decision intended to expedite the processing of cases where the defendant had been placed in pretrial detention. Such detention tended to last between 2 and 3 months, although in exceptional circumstances preliminary investigations could take more than 70 days. In 2016, processing times had exceeded 180 days in only 22 cases, all of which had concerned complex financial offences. The text of the aforementioned decision had been disseminated widely among prosecutors in an effort to speed up processing times across the country.

30. In accordance with the Criminal Procedure Act, detained persons had the right to name a defence lawyer as from when they received notification that precautionary measures were being imposed on them; at that point, the lawyer became a party to the proceedings and could submit evidence on the detained person's behalf. The lawyer was authorized, inter alia, to establish communication and meet with the client, review the contents of the preliminary case file and seek the revocation or revision of the precautionary measure in question. The Criminal Procedure Act also guaranteed the principle of the presumption of innocence and a defendant's right to make a statement, and it established the obligation for the competent authorities to submit all relevant evidence for the purpose of clarifying the facts of the case. Any statement taken from a defendant under duress was considered to be null and void and the offending officials were liable to prosecution.

31. All persons deprived of their liberty were entitled to inform a family member of their detention. In addition, the Criminal Procedure Act established the obligation of the police or the arresting authority to inform the family of a detainee of his or her arrest and whereabouts and to facilitate communication between them. The police or the arresting authority were also required to respect the physical integrity of persons deprived of their liberty and afford them access to medical care, if necessary. A report detailing the time and date of the arrest and the grounds for it, as well as any other relevant information, was prepared at the outset of police custody. The Office of the Attorney General was responsible for verifying compliance with the aforementioned procedural guarantees in places of detention.

32. **Ms. Vasallo Olivera** (Cuba) said that, to her knowledge, no expulsion orders had been appealed before the courts. The People's Supreme Court had issued several instructions in an effort to limit the use of pretrial detention as a precautionary measure. Those instructions established the obligation of the courts, once a person had served his or her minimum sentence in pretrial detention, to examine the possibility of revising the precautionary measure and, once the person had served his or her maximum sentence in pretrial detention, to order the immediate release of the detainee.

33. Although there had not been a single case of enforced disappearance in Cuba since the Revolution of 1959, individuals who had been missing from their home with no indication of their whereabouts for more than a year could be declared absent by a court. If a person was declared absent, he or she was represented by his or her spouse, if applicable, or otherwise by an adult child, a parent, a grandparent or a sibling. If three years passed with no indication from the missing person, he or she could be declared to be presumed dead. When a person was declared to be presumed dead, the interested parties could exercise the same rights that they would have had if the death had been certified medically, including in matters of family law and inheritance rights. Pension rights were guaranteed for the family members of a person declared to be presumed dead when the person had, inter alia, held an employment contract or had fulfilled the requirements for an old-age or disability pension but had not yet claimed it. A person missing following a natural disaster could be declared to be presumed dead six months after the event had occurred; that period was extended to one year if the person had disappeared during a military operation. If a person who had been declared absent or presumed dead was found alive, the court annulled the declaration of absence or presumption of death and ordered the restoration of his or her rights, the recovery of his or her property and the payment of the value of any property that had been transferred or sold. Any adoption arrangements entered into by the person in question were also restored.

34. Cuban law offered protection to any person who had suffered direct harm as the consequence of a wrongful act. Any person who suffered damage or injury at the hands of State officials in the performance of their duties had the right to claim and obtain appropriate redress or compensation from the legal entity concerned, regardless of whether action was taken against the offending official. In addition, any person who was held criminally liable also bore civil liability for the moral and material damage caused by the offence. The court declared civil liability and established its extent by applying the relevant provisions of civil law and directly enforced the obligation to compensate for injury and provide redress for moral damage. Injured parties were entitled to initiate *amparo* proceedings and to claim compensation if they believed that their procedural rights had been violated.

35. The Government believed that it was in the best interests of children whose parents had been subjected to enforced disappearance to remain in a family environment whenever possible and viewed adoption as a last resort on account of the negative impact that it could exert on a child's upbringing and development. Furthermore, it was legally impossible for an adoption to be granted as a result of an enforced disappearance, as the parents of the child would be unable to give their consent. Legally concluded adoptions that were subsequently found to have originated in an enforced disappearance could be annulled.

36. **Mr. Álvarez Valle** (Cuba) said that the Directorate of Criminal Investigation and Operations and the National Revolutionary Police both came under the authority of the Ministry of the Interior, which facilitated the collecting and sharing of data on persons

deprived of their liberty. Cuba had a computerized information and assistance system that contained details of all persons deprived of their liberty, including all the information listed in article 17 (3) of the Convention. The system, which was operated and maintained by well-trained personnel, provided authorized users, including in even the most remote areas of the country, with access to information on the whereabouts of persons deprived of their liberty.

37. All detained persons underwent a medical examination upon arriving at the police holding cell. Any detainee who was found to require medical treatment was transferred to the appropriate facility. The same procedure was followed by the staff of the Directorate of Criminal Investigation and Operations and the staff of the Directorate of Prisons.

38. Any person who died while in detention was by law examined by the Institute of Forensic Medicine, which certified the death. The family members of the deceased person were informed and invited to claim the body.

39. Registers of persons deprived of their liberty were kept in all prisons, police stations, criminal investigation units and in the country's only migrant detention centre. The conditions in that centre were in line with international standards and the migrants detained there were guaranteed access to consular assistance.

40. Cuban law required minors to be kept separate from adult detainees. In cases where both minors and adults were detained in the same facility, they were housed in different wings.

41. Responding to the question about the use and protection of genetic material, he said that in the majority of cases genetic samples were collected at the request of the criminal investigation authorities of other States. Cuba strictly followed the international protocols for collecting, storing, handling, transporting and tracking the delivery of genetic material.

42. **Mr. Pedroso Cuesta** (Cuba) said that the records of persons detained in prisons and other facilities contained all the information referred to in article 17 of the Convention.

43. **Ms. Pérez Álvarez** (Cuba) said that Cuba, in addition to being the first country to have signed the Convention on the Elimination of All Forms of Discrimination against Women, had been deeply involved in the negotiation of the Beijing Declaration and Platform for Action. A comprehensive system for the protection of women, which involved the State and civil society organizations such as the Federation of Cuban Women, had been in place throughout the country since the Revolution. A number of institutions, including the media, were involved in efforts to combat domestic violence. Every municipality in the country had a women's and family counselling centre to which victims of violence could turn for advice and assistance. Other public institutions provided similar services.

44. **Mr. Figallo Rivadeneyra** asked whether he had understood correctly that the courts intervened in extradition proceedings only when a decision by the Ministry of Justice to grant a request for extradition was appealed. He would welcome a clarification of the role and position of investigating officials, who could evidently order persons taken into custody by the police to be held for up to 72 hours before deciding whether to forward the case to one of the country's prosecutors, who themselves had another 72 hours to decide whether a given detainee should be held in pretrial detention. Confirmation that he had understood correctly that the country's courts did not intervene in that process would also be welcome.

45. The State party's authorities should bear in mind that article 24 of the Convention provided for forms of reparation complementary to those commonly awarded by the courts in findings against individual defendants. Such forms of reparation, including rehabilitation and guarantees of non-repetition, were generally obtained from the State.

46. **Mr. López Ortega** said that he wished to know whether persons could be assisted by a lawyer immediately upon being taken into custody. In addition, he would welcome information on how the family members of a detained person were notified of the person's whereabouts. It would be interesting to know, for instance, whether there were any countrywide protocols for notifying the family members of persons taken into detention or prisoners who were transferred from one of the country's prisons to another.

47. Although the registers of persons in detention in the State party evidently contained a wealth of information (CED/C/CUB/Q/1/Add.1, para. 67), it seemed that they did not include all the information specifically mentioned in article 17 (3) of the Convention. He wished to know whether the State party had considered encouraging independent organizations to take part in prison visits.

48. He did not wish to repeat himself, but Cuba should consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In connection with reparation, he wondered whether an individual who had suffered harm as the direct result of an enforced disappearance but who had been unable — because of the statute of limitations, for instance — to obtain a court judgment in his or her favour had any means of obtaining restitution, satisfaction or other forms of reparation.

49. He would welcome clarification of the legal status of missing persons in Cuba and in particular of how that status differed from the status of persons who were presumed dead. In that connection, he wondered whether the Cuban authorities were aware that the Committee was sceptical of the view that the practice of declaring missing persons dead was compatible with the Convention. It would also be interesting to know whether the programmes of study for aspiring judges covered the international human rights instruments to which Cuba was a party.

50. **Mr. Hazan** said that he wished to know what mechanisms were in place to ensure the independence of prosecutors, who, if he had understood correctly, were the officials responsible for dealing with cases of more serious crimes and issuing any pretrial detention orders. He wondered whether the State party's claim (CED/C/CUB/1, para. 23) that no violence or coercion was used to force detainees to make statements was not undercut immediately thereafter by the admission that persuasion and encouragement were used instead. Lastly, he requested a description of the State party's system of public legal aid, if indeed it had one.

51. **The Chair**, speaking as a member of the Committee, asked how easy it would be for a detained person to name private counsel of his or her choosing.

52. **Mr. Bodes Torres** (Cuba) said that a non-Cuban national whose extradition from Cuba was sought by a foreign country would be informed of the decision by the Cuban Ministry of Justice to grant the extradition request or deny it. Only after the request was granted could the person lodge an appeal with the courts.

53. **Mr. Escandón Carro** (Cuba) said that the Directorate of Criminal Investigation and Operations, including its investigating official, and the police were part of the Ministry of the Interior. In essence, Mr. Figallo Rivadeneyra had understood their roles correctly: namely, the police, who dealt with less serious offences, could hold a detainee for up to 24 hours before deciding whether to turn him or her over to the criminal investigation body, which for its part could hold the person for up to 72 hours before proceeding. Only the Attorney General's Office, which intervened at the request of the criminal investigation body, could order that a detainee should be held until his or her trial. The Attorney General's Office also oversaw investigations in their entirety to ensure their legality. The impartiality of investigating officials and prosecutors was ensured by the Criminal Procedure Act, which listed the grounds on which they could be recused from a given case.

54. Detainees were not necessarily assisted by a lawyer when they made their initial statements, as the right to counsel applied only after the imposition of a precautionary measure. The right to remain silent was fully respected and, as law enforcement officials observed in their daily work, detainees did not hesitate to exercise it.

55. Prisons in Cuba were routinely visited by persons and organizations independent of the prison administration and the Attorney General's Office. Those visitors included the family members of prisoners, non-governmental organizations, law students, clergy members and consular officials.

56. Defendants were free to name a lawyer of their choosing. They were also free to change lawyers at any point during the proceedings against them. No one could be tried without being represented by a lawyer.

57. **Ms. Vasallo Olivera** (Cuba) said that, as she had noted previously, the Convention enshrined the right to reparation for a phenomenon — enforced disappearance — that was not present in Cuba. Public institutions could nonetheless be required to compensate the victims of harm that had been done by public employees acting in their official capacity. In addition, the State, regardless of whether there were any legal requirements to offer such compensation, would compensate anyone who was unjustifiably harmed by a public official in the performance of his or her duties. In the event of a criminal conviction, the victims of an enforced disappearance could seek civil remedies. The family members of a person who had been declared missing could exercise the rights of the missing person for up to three years, at which point the person was presumed dead.

58. The competitive examinations for aspiring judges always included questions on international human rights instruments and how they pertained to criminal, non-criminal and labour law. In addition, the programmes of study to prepare students for those examinations invariably had a module on those instruments. Judges throughout the country were duly informed of any instruments newly ratified by the State. In many cases, judges had referred to the instruments to which Cuba was a party in their findings. By late 2016, all the country's judges had received training in connection with international human rights instruments.

59. **Mr. Álvarez Valle** (Cuba) said that in the Cuban system, a detainee's family members played an important role from the outset of detention. They were contacted by telephone; telegrams were used only very rarely, as newer technologies were more effective. Having the police and the Directorate of Criminal Investigation and Operations in the same ministry facilitated information sharing and thus made it easier to keep a detainee's family members abreast of his or her whereabouts. The authorities identified the person who would take custody of the property of any detainee who did not have a family.

60. In Cuba, it was uncommon for a prisoner to be transferred from one prison to another. In fact, only 15 per cent of prisoners were serving their sentences in prisons outside their home province. The family members of any transferred prisoners were duly informed of the transfer. In addition, any prisoner scheduled to be transferred was informed of the upcoming transfer and, like all prisoners in Cuba, was entitled to a daily telephone call.

61. A procedure for registering detentions was followed. It began with the issuance of a certificate of detention that contained relevant information about the person being taken into detention. Additional information, including that mentioned in article 17 (3) of the Convention, was entered into the person's records to reflect changes in the status or progress of any legal proceedings. The name of the person authorized to make conjugal visits was also indicated in the person's records.

62. The Cuban prison system made every effort to rehabilitate prisoners. Occupational training was provided in the prisons, and a system of maximum-, medium- and minimum-security facilities was being put in place, in part so that prisoners could move from one to the other as their release date neared.

63. In Cuba, arrests were not made as part of conducting an investigation. They were made only after an investigation had been conducted. There was therefore no reason to coerce detainees into making statements. Most investigative officials in Cuba held university degrees.

64. **Mr. Quintanilla Román** (Cuba) said that Cuban prisons were also visited by well-known artists, social workers and foreign diplomats posted to Havana. In addition, the Cuban authorities had a good working relationship with the International Committee of the Red Cross.

65. **Mr. López Ortega** said that even in countries such as Cuba, where enforced disappearance was not a problem, there was room to improve efforts to implement the Convention. Cuba, for instance, could take advantage of the planned reform of its Criminal Code to define enforced disappearance as a specific offence. In its concluding observations, the Committee was likely to address the need for Cuba to take measures to guarantee the

rights of detained persons and to develop means for victims to obtain reparation that did not necessarily involve the courts.

66. Lastly, he wished to stress the importance of ratifying all the international human rights instruments that were closely linked to the Convention, including the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention against Torture and the International Covenant on Civil and Political Rights. Cuba should also recognize the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction. The Cuban authorities should not take the Committee's insistence in that regard as a harsh assessment of the Cuban system. It was instead an invitation, extended to all States with exemplary human rights records, to serve as an example.

67. **The Chair** said that the State party had 48 hours following the closure of the meeting to provide supplementary information.

68. **Mr. Pedroso Cuesta** (Cuba) said that the issue of signing binding international legal instruments was a matter of national sovereignty. Cuba would consider the advisability of ratifying the International Covenant on Civil and Political Rights and other human rights instruments, some of which it had signed, when human rights were no longer politicized and when the issue was no longer used as an instrument of demonization. It was no coincidence that a number of States were considering withdrawing from the International Criminal Court.

69. Although Cuba had developed safeguards to prevent enforced disappearance and other conduct covered in the Convention, the authorities were aware that there was still much to be done, in particular, as the Country Rapporteur had noted, in connection with criminalizing enforced disappearance. Cuba was willing to act on the recommendations to be made by the Committee and would continue to perfect the practices that, since the Revolution, had enabled the Cuban people to exercise their rights to life and liberty.

The meeting rose at 12.55 p.m.